



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

IN REPLY REFER TO:

NOV 28 2005 A)

H4215(2255)

Re: 5511 40th Avenue, Hyattsville, MD

Project Number:

Taxpayer's Identification Number

Dear

My review of your appeal of the decision of Technical Preservation Services, National Park Service, denying certification of the rehabilitation of the property cited above is concluded. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. Thank you for meeting with me in Washington on October 20, 2005, and for the information that you provided.

After careful review of the complete record for this project, I have determined that your proposed rehabilitation of 5511 40th Avenue is not consistent with the historic character of the property and the historic district in which it is located and that the project does not meet Standards 9 and 10 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on September 9, 2005, by Technical Preservation Services is hereby affirmed. However, I have further determined that your project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below were undertaken.

The building at 5511 40th Avenue was constructed in 1923 as a two-story, single-family residence. The wood frame house has a Dutch Colonial-style gambrel roof, front and rear shed dormers, three-over-one wood windows, wood clapboard siding, a sunroom, a detached garage, and, overall, a high degree of historical integrity. Although significantly deteriorated, much of the historic interior also survives, including floors, plaster walls, bathroom fixtures, trim, and a brick fireplace mantel. On August 4, 2005, the 5511 40th Avenue property was certified as contributing to the significance of the Hyattsville Historic District.

Your proposed rehabilitation of 5511 40th Avenue includes replacing cedar siding, addressing foundation problems, repairing the original windows, replacing the roof, renovating the deteriorated kitchen, replacing electrical and plumbing systems, and rehabilitating interior finishes. You also proposed a new two-story addition on the rear of the house. Denial of certification by Technical Preservation Services focused on the addition.

I agree with Technical Preservation Services's determination that the addition currently proposed fails to meet Standards 9 and 10. Standard 9 states that "[n]ew additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment." Standard 10 states that "[n]ew additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be impaired."

The house at 5511 40th Avenue is distinguished primarily by its gambrel roof; dormers; construction features such as siding, windows, and trim; and its modest scale. The house cannot accommodate the addition that you proposed without serious adverse impact to the property's historic character. Corner-lot siting further complicates the problem of adding to this building. In Preservation Brief 14, "New Exterior Additions to Historic Buildings: Preservation Concerns," Technical Preservation Services notes that "[s]uccessfully introducing a new addition into a residential neighborhood depends in large measure on the degree of visibility from the streets and sidewalks." The rear elevation of 5511 40th Avenue is readily visible from the street and sidewalk, giving the rear of the house a prominence that it would not have if the house were sited mid-block. Also, the proposed addition would conceal the historic dormer, thereby permanently impacting the historic roof configuration. In summary, the addition currently proposed would compromise significant features and the proportion, massing, and original materials of the historic building, and the addition would impact the essential form and integrity of the historic house.

However, an addition that is subordinate to the historic house might be acceptable, depending on the size and design of the addition and the relationship between the addition and the historic house. During our meeting on October 20, we discussed several corrective measures that, if undertaken, may bring your project into conformance with the Standards.

To limit the volume of the addition and to ensure that the addition is subordinate to the historic house, new construction must be no wider than the existing dormer and no portion of the addition may be higher than a plane extending horizontally from the rear dormer's soffit. Also, a revised addition must be distinguished substantially from the historic building. For example, the roof of the addition may not be a continuation of the shed dormer's roof or a shed roof at the same angle

as the shed dormer's roof, and windows in the addition can be the same size but simplified versions of the three-over-one original windows in the historic house. The intention of Standard 9 is not to preclude good design, but rather to avoid replicating historic construction and to reveal to those unfamiliar with period construction or historic preservation that the addition and the historic building are separated by over 80 years.

If you choose to proceed with the corrective measures described above, forward a description including drawings of the proposed work to Technical Preservation Services, National Park Service, to the attention of . Note that this project will not become a "certified rehabilitation" eligible for the tax incentives until it is completed and so designated.

A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Robbins", is written over a light blue circular stamp.

John Robbins
Chief Appeals Officer
Cultural Resources

cc: SHPO- MD
IRS